

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, JUNE 6, 2006**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, June 6, 2006 in the City Hall Kiva at 5:11 P.M.

**OATH OF OFFICE**

The Honorable B. Monte Morgan administered the oath of office to newly-elected Council Member Tony Nelssen, and re-elected Council Members Wayne Ecton and Robert Littlefield.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor W.J. "Jim" Lane  
Council Members Betty Drake, Wayne Ecton, Robert Littlefield,  
Ron McCullagh, and Tony Nelssen

Also Present: City Manager Jan Dolan  
City Attorney Deborah Robberson  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** - Cub Scout Troop #201 and Boy Scout Pack #100, Pima Elementary School, Scout Leader Allen Curtis

**INVOCATION** - Pastor Patrick Sullivan, Scottsdale Bible Church

**PRESENTATIONS/INFORMATION UPDATES** - None

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## PUBLIC COMMENT

**William Crawford**, 7351 E Valley View Rd, 85250, presented a citizen's petition (attached) requesting the City Council appoint someone other than the City Manager to the Charter position of Treasurer.

**Richard Funke**, 4409 N 66<sup>th</sup> St, 85251, presented a citizen's petition (attached) proposing a land exchange which would allow the western portion of his property on Indian School Road to be used as the site for a proposed water booster pump station.

**David Rajput**, Citizens Against Bad Government, 7637 E Edgemont, 85257, presented a citizen's petition (attached), in accordance with the City Charter, regarding adult-oriented businesses.

**Rita Saunders-Hawranek**, Scottsdale Coalition, no address given, presented a citizen's petition (attached) requesting that the Ad Hoc Committee on the SkySong Project be reconvened and report back to Council regarding proposed residential use on the site.

**George Knowlton**, 8701 E Valley View Rd, 85250, submitted a citizen's petition (attached) requesting full compliance of residency requirements for charter officers of the City, including the City Attorney.

## MINUTES

### SPECIAL MEETINGS

April 28, 2006  
May 2, 2006  
May 9, 2006  
May 15, 2006  
May 23, 2006

### REGULAR MEETINGS

MAY 2, 2006  
MAY 15, 2006

### EXECUTIVE SESSIONS

November 15, 2005  
November 30, 2005  
January 10, 2006

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF THE MINUTES AS LISTED ABOVE. VICE MAYOR LANE SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN NELSEN ABSTAINING.

## CONSENT AGENDA ITEMS 1-14

### 1. Blue Note Cellars (Restaurant) Liquor License

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

**Location:** 7419 E. Indian Plaza

**Reference:** 32-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

### 2. New York Pizza Department (Restaurant) Liquor License

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

**Location:** 14884 N. Pima Road, Suite 107

**Reference:** 33-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

3. **Grazie Pizzeria Silverleaf (Beer and Wine Bar) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a new series 7 (beer and wine bar) liquor license for a new location.  
**Location:** 18835 N. Thompson Peak Parkway  
**Reference:** 34-LL-2006  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
4. **Islands Fine Burgers & Drinks (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.  
**Location:** 14826 N. Pima Road  
**Reference:** 35-LL-2006  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
5. **Blu Burger Grille (Restaurant) Liquor License**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.  
**Location:** 15425 N. Scottsdale Road, Suite 200  
**Reference:** 37-LL-2006  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
6. **Village Tavern Agent Change (Restaurant) Liquor License**  
**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent Change for an existing restaurant.  
**Location:** 8787 N. Scottsdale Road, Suite 234  
**Reference:** 63-LL-2000#2  
**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
7. **Performance Enhancement Professionals Health Studio**  
**Requests:**
  1. Approve a conditional use permit for a health studio for an existing 3,199+/- square foot suite located at 9319 N. 94<sup>th</sup> Way, Suite 200, with Industrial Park, Planned Community District Zoning.
  2. Adopt Resolution No. 6857 affirming the conditional use permit.**Location:** 9319 N. 94<sup>th</sup> Way, Suite 200  
**Reference:** 19-UP-2005  
**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Responding to Council Member Drake, staff verified that all parties affected by this conditional use permit have agreed to the stipulations.

**8. Construction Bid for Desert Ranch Area Waterline Replacements**

**Request:** Authorize Construction Bid Award No. 05PB133 to Visus, Inc., the lowest responsive bidder, at the unit price bid of \$1,130,000 for waterline replacements in the vicinity of Desert Ranch on 84<sup>th</sup> Street near Pinnacle Peak Road. Waterline replacements include 8 water meters and extension of the waterline.

**Reference:** On March 18, 2002 Council approved Engineering Services Contract No. 2002-030-COS with CSA Engineering, Inc., for the design of waterline replacements.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**9. Construction Bid for Paving, Traffic Signals and Landscaping for Thompson Peak Parkway from Bell Road to Union Hills Drive**

**Request:** Confirm award of Phase II construction contract to Achen Gardner Engineering, LLC in the amount of \$4,536,411.25 for paving, traffic signals and landscaping on Thompson Peak Parkway from Bell Road to Union Hills Drive.

**References:**

- Council approved Development Agreement 2004-026-COS and Amendment No. 1 to Development Agreement 2004-026-COS with Edmunds-Toll Construction Company.
- On December 12, 2005 Council adopted Resolution No. 6792, which approved Cost Participation Agreement 2005-146-COS between Toll Brothers Arizona Construction Company and the City for the construction of Thompson Peak Parkway from Bell Road to Union Hills Drive.

**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, [rklingler@scottsdaleaz.gov](mailto:rklingler@scottsdaleaz.gov)

**10. FY 2005/06 Year-end Capital Project Close-outs**

**Requests:** Approve the transfer of \$21,239 in capital budget appropriation and the necessary cash from Capital Contingency to close out four capital projects with nominal negative balances at the fiscal year-end.

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Art Rullo, Budget Director, 480-312-2435, [arullo@scottsdaleaz.gov](mailto:arullo@scottsdaleaz.gov)

**11. Amend the Scottsdale Revised Code Relating to the City Auditor for Timeframes, Retention Reports and Timing of External Peer Reviews**

**Request:** Adopt Ordinance No. 3679, amending Chapter 2, Division 6, Section 125, Section 126, and Section 129 of the Scottsdale Revised Code relating to the City Auditor.

**Related Policies, References:**

- City Charter, Article 2, Section 20, Internal Auditor
- City Ordinance, Chapter 2, Article III, Division 6, City Auditor

**Staff Contact(s):** Cheryl Dreska, City Auditor, 480-312-7756, [cdreska@scottsdaleaz.gov](mailto:cdreska@scottsdaleaz.gov)

**12. Annual Contract With GPEC for Economic Development Marketing**

**Requests:**

1. Adopt Resolution No. 6917 authorizing general funds in the amount of \$87,272 for provision of regional economic development marketing services.
2. Approve Contract No. 2006-085-COS with the Greater Phoenix Economic Council (GPEC).

**Related Policies, References:** Economic Vitality Strategic Plan

**Staff Contact(s):** David Roderique, Economic Vitality General Manager, 480-312-7601, [droderique@scottsdaleaz.gov](mailto:droderique@scottsdaleaz.gov)

**13. FY2006/2007 Destination Marketing Services Agreement**

**Request:** Adopt Resolution No. 6918 approving Contract No. 2006-089-COS, the "Marketing Services Agreement between the City of Scottsdale and the Scottsdale Convention and Visitors Bureau, Inc.," and authorizing \$6,382,652.66 for provision of those services. The Tourism Development Commission recommended the Council approve this action at their April 18, 2006 meeting.

**Related Policies, References:** City of Scottsdale Ordinances No. 2045/3576 (amended) and 2049/2702/3577 (amended) provide for funding of a destination marketing program on behalf of the City and Scottsdale Tourism Industry from the City's bed tax revenues.

**Staff Contact(s):** David Roderique, Economic Vitality General Manager, 480-312-7601, [droderique@scottsdaleaz.gov](mailto:droderique@scottsdaleaz.gov); Kathy Carlisle O'Connor, Tourism Development Manager, 480-312-7057, [kcoconnor@scottsdaleaz.gov](mailto:kcoconnor@scottsdaleaz.gov)

**14. Self-funded Medical Plans' Summary Plan Description**

**Request:** Adopt Resolution No. 6902 approving changes to the City's medical plans' summary plan description documents for FY 2006/07. (Note: The changes incorporate Federal compliance requirements and the plan design changes authorized by the City Council on April 5, 2006 and other "housekeeping" changes.)

**Related Policies, References:**

- Resolution No. 6421, dated December 8, 2003, authorizing benefit plan documents, summary plan description and contribution rates
- Resolution No. 6650, dated March 22, 2005, authorizing FY 2005/06 contribution rates
- Resolution No. 6824, authorizing FY 2006/07 contribution rates and plan design changes

**Staff Contact(s):** Neal Shearer, Assistant City Manager, 480-312-2604, [nshearer@scottsdaleaz.gov](mailto:nshearer@scottsdaleaz.gov); Craig Clifford, Chief Financial Officer, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Teri Traaen, Human Resources General Manager, 480-312-2615, [ttraaen@scottsdaleaz.gov](mailto:ttraaen@scottsdaleaz.gov)

**MOTION AND VOTE – CONSENT AGENDA**

VICE MAYOR LANE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 14. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

**REGULAR AGENDA**

**ITEMS 15-17**

**15. The Cave Private Wine Room (Restaurant) Liquor License**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

**Location:** 8320 N. Hayden Road, Suite C-111

**Reference:** 24-LL-2006

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

Customer Service Chief Officer Connie Padian noted that the applicant for this liquor license failed to disclose two misdemeanor arrest warrants on the application. Therefore, staff advised forwarding a recommendation of denial to the State.

**MOTION AND VOTE – ITEM 15**

COUNCILMAN ECTON MOVED TO FORWARD A RECOMMENDATION TO THE STATE TO DENY THIS LIQUOR LICENSE. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

**16. Truth in Taxation Public Hearing on Proposed Fiscal Year 2006/07 Property Tax Levy**

**Requests:**

1. Receive public input relative to the proposed FY 2006/07 property tax levy.
2. By roll-call vote, approve a motion to consider adoption of the property tax levy on June 20, 2006 in accordance with Arizona State Statutes (42-17107) and the City Charter (Article 6 Finance and Taxation, Section 5 Public Hearing and Adoption of Budget).

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

Craig Clifford, Financial Services General Manager, provided a presentation outlined as follows:

- Statutorily Required Actions and Dates
- Truth in Taxation Application – Arizona's two-tiered property tax system
  - Primary (Limited) property tax – used to pay for government operations such as fire, police, salaries, utilities, etc.
  - Secondary (Unlimited) property tax – used to pay debt service on voter-approved bonds
- Where the Tax Money Goes
- Property Tax Restrictions
  - Primary Property Tax – Statutory Limitations
    - Individual – limited to 10% of assessed value increase annually
    - City – limited to 2% (citywide) tax levy change annually
    - New construction and tort settlements are not limited
  - Secondary Property Tax – No Statutory Limits
    - Used to pay debt service on voter-approved bonds
    - Debt costs managed by maintaining AAA rating that keeps debt at absolute lowest cost
    - Structure and timing of each (series) bond issue – balancing new debt with existing debt service costs to minimize single year increase
- Primary Property Tax – TNT – Proposed FY 2006/07 Budget
  - 2% assessed value limited tax growth on existing property
    - **\$374,050 tax levy change – subject to statutory limits**
  - 5% assessed value growth from new property construction
    - **\$1,012,148 new tax revenues**
  - Plus, Tort settlement recovery to Risk Fund
    - **\$2,852,500 assessment – for 2005 claim settlements**
- Primary Property Tax – TNT – Future Year Prognosis (FY2007/08)
  - 2% assessed value limited growth on existing property
    - **\$400,000 tax levy change – subject to statutory limits**
  - 3% assessed value growth from new property/construction
    - **\$590,000 new tax revenues**
  - Plus, one-time assessment for Tort recovery
    - **\$1,000,000 (\$1.9M reduction)**
- Combined Property Tax Rate (per \$100 of assessed value)
  - Combined primary and secondary tax rate will decrease in FY06/07

- Combined City property tax will be \$103 for a home valued at \$100,000 - \$1 decrease, assuming no change in assessed value
- 9<sup>th</sup> consecutive year of a combined property tax decrease
- Comparison of tax rates of other Valley Cities – Scottsdale lowest
- Community Facility Districts Property Tax Rates

Mayor Manross opened public testimony.

**Lyle Wurtz**, 6510 E Palm Ln, 85257, disapproves of the 13% increase in primary property tax since Council promised no new taxes in promoting Proposition 402. He believes people were misled, and urged the public to be wary of what the Council says.

**John Washington**, 3518 N Chambers Ct, 85251, expressed concern about Proposition 402, and believes the Council was dishonest, either by omission or timing, in providing information to the public regarding the property tax increase. Mr. Washington urged Council to focus on open and accountable government.

Mayor Manross closed public testimony.

Council discussion:

- Some Council Members expressed concern about the public's lack of trust in the Council, and believe it would be appropriate not to raise taxes. It was acknowledged that much of the public had a perception there would be no tax increase, and that a clearer interpretation of Proposition 402 should have been communicated.
- Some Council Members were surprised to learn about the assessment for the \$2.8M tort recovery, and did not feel it was fair to pass that on to the public.
- It was pointed out that tort claims have been added to the property tax for many years as a way to spread the expense over the whole community.
- Other Council Members stated there was no deceit in the promotion of Proposition 402, as the proposition did not affect taxes. The proposed budget was released in March, and it reflected this tax rate, which is actually declining.
- Discussion was held regarding statements of a 13% increase. It was pointed out that the 13% figure is a reference to the increase in the primary rate from \$0.44 to \$0.48 per \$100 assessed valuation. However, the combined rate is decreasing from \$1.04 to \$1.03 per \$100 assessed valuation, so there is no 13% increase in total property tax.
- The Council discussed the possibility of passing the statutorily limited 2% increase on existing property, but excluding the tort claim recovery. Mr. Clifford said that would be a risk, but perhaps low claims will continue this year and the insurance fund could absorb the costs. The reserve fund will have a shortfall of \$3M, which will have to be addressed a year from now, along with other impacts. Financial reports will be available and reviewed in the fall to assess the effects of these actions.

#### **MOTIONS AND VOTES – ITEM 16**

VICE MAYOR LANE MOVED TO APPROVE THE PROPOSED FISCAL YEAR 2006/07 PROPERTY TAX LEVY, BUT STRUCTURE IT IN SUCH A WAY AS TO REMAIN A FLAT INCREASE, IN ACCORDANCE WITH THE TRUTH IN TAXATION FORMULAS. COUNCILMAN LITTLEFIELD SECONDED THE MOTION. THE MOTION FAILED 3-4, WITH MAYOR MANROSS, COUNCILMEMBER DRAKE, COUNCILMAN ECTON, AND COUNCILMAN MCCULLAGH DISSENTING.

COUNCILMAN MCCULLAGH MOVED TO APPROVE THE PROPOSED FISCAL YEAR 2006/07 PROPERTY TAX LEVY, REMOVING THE TORT SETTLEMENT RECOVERY FUND, AND LEAVING THE 2% PRIMARY TAX AND NEW PROPERTY CONSTRUCTION AMOUNTS INTACT. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN NELSEN DISSENTING.

**17. Third and Final Public Hearing on the FY 2006/07 Operating Budget and Capital Improvement Plan**

**Request:** Solicit public testimony on FY 2006/07 Operating Budget and Capital Improvement Plan.

**Staff Contact(s):** Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Art Rullo, Budget Director, 480-312-2435, [arullo@scottsdaleaz.gov](mailto:arullo@scottsdaleaz.gov)

Mr. Clifford provided a presentation of the proposed budget outlined as follows:

- Public Outreach Efforts and Dates of Prior Hearings
- Overview of Budget Amounts by Fund
- Service Area Demands
- Tentative Budget Considerations (from Budget Subcommittee)
- General Fund Cash Summary

Mayor Manross opened public testimony.

**Lois Fitch**, 1229 N Granite Reef Rd, 85257, thanked Council for including funds in the budget for the Ambassador Program in the Downtown Marketing Plan, and encouraged others to participate in the program.

**Alice Olsan**, 4525 N 66<sup>th</sup> St, #117, 85251, discussed the need to maintain and preserve the museum's art collection, and believes donors must feel confident that their works will be well cared for.

**William Lykins**, 6526 E Cypress St, 85259, encouraged Council to provide funds for maintaining and preserving the art collection.

**Ace Bailey**, 6646 E Monterosa, said it is extremely important to both residents and tourists to preserve the art collection.

**Cathy Clardy Patterson**, 7119 E Shea Blvd, #109-597, 85254, Chairman of the Cultural Council, spoke in support of their budget requests, including the community assessment/survey and funding for improvements to Theater 4301.

**Leslie Dashew**, 21839 N 98<sup>th</sup> St, 85255, speaking on behalf of the Cultural Council, urged the City Council to invest in cultural amenities to keep Scottsdale vibrant.

**Rick Kidder**, Chamber of Commerce, 4725 N Scottsdale Rd, 85250, said that the Chamber had been proud to lead the campaign supporting Proposition 402 to provide the City with the ability to deliver the best of everything to Scottsdale. Mr. Kidder spoke in support of the City's continued investment in Motor Mile, pointing out that it had been an enormous success by every available measure.

**Kim Sweet**, 5511 N Marion Way, Phoenix, 85018, asked Council to consider the impact of art on children. She believes the museum is an inspiration to the community and to future generations.



**Michael Familetti**, Scottsdale Motor Mile, 6725 E McDowell Rd, 85257, said the Motor Mile public/private partnership is a model that has provided an unprecedented return on investment by adding \$600,000 in additional revenue to the City. Mr. Familetti requested that Council have continued faith in that partnership.

**Robert Viergutz**, 1219 N 71<sup>st</sup> St, 85257, expressed support for funding for the Center for the Arts, and believes it will shape the City for future generations.

Mayor Manross closed public testimony.

Council discussion:

- In discussion of City Hall security, Council Members agreed the money should remain in the budget, and directed staff to return with alternative security plans that will continue to provide a safe environment.
- Regarding Youth Sports Field maintenance, Council Members referenced a letter from the School District indicating the School Board will vote on which direction they will take. Council Members agreed this is a reasonable approach.
- Some Council Members did not approve of the Cultural Council's additional budget items, which they believe to be ongoing subsidies. It was pointed out that the Cultural Council has a business plan in place to turn Theater 4301 into a viable venue, and that a theater in downtown is needed to support arts and culture. The funding request will be revisited annually. Some Council Members suggested Theater 4301 should be run by the private sector.
- Discussion was also held on amending the Cultural Council contract, the possibilities of cost-sharing, and economic impacts related to cultural events.
- The possibility of removing the Motor Mile subsidy was discussed. Some believe it sets a bad precedent of subsidizing private business. Other Council Members believe the subsidy has been a good investment in the City and provides a good return.

#### **MOTIONS – ITEM 17**

COUNCILMAN LITTLEFIELD MOVED TO DELETE THE SUBSIDY FOR THEATER 4301 FROM THE CULTURAL COUNCIL BUDGET. COUNCILMAN LANE SECONDED THE MOTION, WHICH FAILED 2-5, WITH MAYOR MANROSS, COUNCIL MEMBER DRAKE, COUNCILMAN ECTON, COUNCILMAN MCCULLAGH, AND COUNCILMAN NELSEN DISSENTING.

COUNCILMAN LITTLEFIELD MOVED TO REMOVE THE MOTOR MILE SUBSIDY. COUNCILMAN NELSEN SECONDED THE MOTION, WHICH FAILED 3-4, WITH MAYOR MANROSS, COUNCILMAN ECTON, COUNCILMAN MCCULLAGH, AND COUNCIL MEMBER DRAKE DISSENTING.

### **MAYOR AND COUNCIL      ITEM 18**

#### **18.      Review of Prior Council Approval of Site Identified for the Appaloosa Library Requests:**

1. At the request of Vice Mayor Lane, consider motion to rescind the City Council's May 15, 2006 approval of the site identified in the Silverstone project near Scottsdale and Pinnacle Peak Roads for the Appaloosa Branch Library.
2. In the event Item 1 is approved, provide further direction to staff regarding site selection for this branch library.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Rita Hamilton, Library Director, 480-312-7039, [rhamilton@scottsdaleaz.gov](mailto:rhamilton@scottsdaleaz.gov)

Vice Mayor Lane reviewed concerns that arose about the Appaloosa Library site after its approval on May 15, 2006. Those concerns include traffic impacts, capital needs, and the fact that the site is more accessible to Phoenix residents than Scottsdale residents. He suggested having staff study alternative sites, including the possibility of consolidating this library with other facilities. Vice Mayor Lane supported taking more time to consider available options, and recommended a use analysis and development of a cost-sharing plan.

Mayor Manross opened public testimony.

**Clif Tait**, 8302 E Buteo Dr, 85255, spoke in support of the library at the approved location, and believes it would be fiscally responsible to use the free property.

**Tom Tull**, 7498 E Sand Hills Rd, 85255, said a sensible decision had already been made, and he believes it would be foolish to turn down the free land.

**Jon Ford**, 7554 E Tailspin Ln, 85255, spoke in support of the library site, and pointed out that Phoenix will be building a library at Desert Ridge for their citizens. Mr. Ford pointed out the bond has been passed for the library construction, approval for the site has been given, and citizens have trusted the project would be completed.

**Diana Yu Tull**, 7498 E Sand Hills Rd, 85255, urged Council to stay with the original plan. She did not believe it was wise to rescind the approval merely because Phoenix residents might use the library.

**Kenyan Wolf**, 20802 N Grayhawk Dr, #1002, spoke of her dislike of using the libraries that are attached to schools, and urged Council to keep the approved site for Appaloosa Library.

**Linda Whitehead**, 9681 E Chuckwagon Ln, said rescinding the site approval would further erode the public's trust in the Council process.

Mayor Manross closed public testimony.

Council discussion:

- Councilman Nelssen wanted to confirm that this is the best site for the library by soliciting additional citizen input; ensuring the site meets the needs of the whole community.
- Councilman McCullagh said the site is not very accessible to Scottsdale residents east of Pima Road. He believes that by moving the Appaloosa site further north and east, it could be merged with plans for the Pinto Library to be constructed near the Cave Creek border. Councilman McCullagh added that because the land is free does not mean it is the most desirable location.
- Concerns were expressed about delaying construction of a library in the north.
- It was noted that over two-hundred e-mails have been received on this item and only one was not in support. People in the northern part of the City are in need of this library.
- It was pointed out that this is a densely populated area of Scottsdale, and the General Plan shows a library in the area.
- It was suggested that a more northern location would very likely be used by Cave Creek and Carefree citizens.

VICE MAYOR LANE MOVED TO RESCIND APPROVAL OF THE SITE FOR THE APPALOOSA BRANCH LIBRARY. COUNCILMAN MCCULLAGH SECONDED THE MOTION.

AFTER FURTHER CONSIDERATION, THE MOTION WAS WITHDRAWN.

Councilman Nelssen encouraged citizens to be sure to keep abreast of the project and let their desires be known to the Development Review Board.

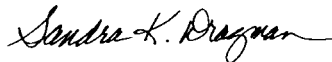
**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS** - None

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:55 P.M.

**SUBMITTED BY:**



**Sandy Dragman**  
Recording Secretary

**REVIEWED BY:**



**Carolyn Jagger**  
City Clerk


Officially approved by the City Council on 06/20/06

### C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 6th day of June 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 20<sup>th</sup> day of June 2006.

  
CAROLYN JAGGER  
City Clerk

WILLIAM CRAWFORD  
7351 EAST VALLEY VIEW ROAD  
SCOTTSDALE, ARIZONA 85250

OFFICE OF THE  
CITY CLERK

2006 JUN -6 PM 4:35

June 6<sup>th</sup>, 2006

Greetings Honorable Mayor Manross and members of the Scottsdale City Council:

Pursuant to Article 2, Sec. 16. of the Scottsdale City Charter which states: **"Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days."** I respectfully present the following for your consideration:

The Scottsdale City Charter, Sec. 3. under the heading of city treasurer states:

**"The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council."**

*The charter further states under Article 4: Administrative Departments and Offices:*

**"The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition."**

*And continues:*

**"The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter."**

We are currently operating *without* a treasurer by allowing the city manager to function as both city manager and treasurer, as allowed by the charter.

Considering that the charter was written at a time when present economic conditions and complexities could not have been imagined combined with the fact that the annual budget is now over a billion dollars a year, I the petitioner, believe that it is no longer practical to have the city manager act as the city treasurer. The CFO serves at the pleasure of the city manager, and the city manager serves at the pleasure of the Council. The council and the city manager are subject to political agendas. The taxpayers need a treasurer that has an independent fiduciary responsibility to the taxpayers with the authority and independence provided by the charter office.

**Therefore;** I petition the council to act in accordance with the provisions of the charter and appoint a treasurer forthwith to fill the charter position of a treasurer now vacant.

  
William Crawford

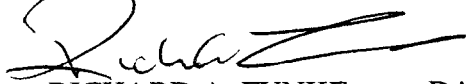
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REQUEST TO PETITION THE CITY COUNCIL

I WOULD APPRECIATE A DISCUSSION BY COUNCIL ON THE FOLLOWING MATTERS. FIRST, THE CITY OF SCOTTSDALE'S ORIGINAL REQUEST FOR ME TO INCORPORATE A 150 CAR PUBLIC PARKING FACILITY WITHIN MY FUTURE RETAIL DEVELOPMENT LOCATED AT INDIAN SCHOOL AND MARSHALL WAY. SECOND, A BETTER LOCATION FOR THE WATER BOOSTER STATION NEEDED ALONG INDIAN SCHOOL ROAD. RATHER THAN KILLING THE POTENTIAL OF HORSESHOE FALLS, LOCATED AT THE SOUTHEAST CORNER OF INDIAN SCHOOL ROAD AND ~~INDIAN SCHOOL ROAD~~ MARSHALL WAY, I AM PROPOSING A LAND EXCHANGE USING THE WESTERN PORTION OF MY PROPERTY ALONG INDIAN SCHOOL ROAD FOR THE PUMP STATION LOCATION.

HOPEFULLY THESE ISSUES CAN BE HEARD PRIOR TO YOUR SUMMER BREAK. PLEASE CONSIDER THIS MY OFFICIAL PETITION.

THANK YOU,



RICHARD A. FUNKE

DATED JUNE 6, 2006



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY,  
ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN  
DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF  
SCOTTSDALE AND ENTITLED "SEXUALLY ORIENTED  
BUSINESSES."

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale,  
Arizona, as follows:

Section 1. That certain document entitled Sexually Oriented Businesses," three copies of which  
are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are  
ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona this 6<sup>th</sup> day of June,  
2006.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_

Carolyn Jagger

City Clerk

By: \_\_\_\_\_

Mary Manross

Mayor



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA, REPEALING SECTIONS 16-236 THROUGH 16-279 OF THE SCOTTSDALE REVISED CODE AND REPLACING THEM WITH NEW REGULATIONS RELATED TO SEXUALLY ORIENTED BUSINESSES IN CHAPTER 16, ARTICLE VII, SECTIONS 16-236 THROUGH 16-279 OF THE SCOTTSDALE REVISED CODE.

WHEREAS, the Council of the City of Scottsdale wishes to update its regulations of sexually oriented businesses to respond to the newest studies and reports of adverse secondary effects of such businesses, and to conform to the newest legal requirements as set forth in recent court decisions; and

WHEREAS, sexually oriented businesses, as a category of establishments, require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and paid sexual contact of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse impacts on surrounding properties; and

WHEREAS, the Council of the City of Scottsdale relies on the following studies and reports regarding adverse secondary effects of sexually oriented businesses: Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98 Factual Record; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; Scottsdale, Arizona - 2005; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (Minnesota - 1989); and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and

procedure and the rights and obligations under the United States and Arizona Constitutions, Arizona Code, and the Arizona Rules of Civil and Criminal Procedure; and

WHEREAS, the Council of the City of Scottsdale relies on advice of counsel and the following court decisions to guide the regulation of sexually oriented businesses: *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's AM. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 1991); *California v. LaRue*, 409 U.S. 109 (1972); *Gammoh v. City of La Habra*, 395 F.3d 1115 (9<sup>th</sup> Cir. 2005); *Dream Palace v. Maricopa County*, 384 F.3d 990 (9<sup>th</sup> Cir. 2004); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9<sup>th</sup> Cir. 2004); *Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9<sup>th</sup> Cir. 2003); *Talk of the Town v. City of Las Vegas*, 343 F.3d 1063 (9<sup>th</sup> Cir. 2003); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7<sup>th</sup> Cir. 2003); *Davis v. Gates*, 1992 U.S. App. LEXIS 22417 (9<sup>th</sup> Cir. 1992); *Deja Vu-Everett-Federal Way, Inc. v. City of Federal Way*, 2002 U.S. App. LEXIS 17389 (9<sup>th</sup> Cir. 2002); *Colacurcio v. City of Kent*, 163 F.3d 545 (9<sup>th</sup> Cir. 1998); *Key, Inc. v. Kitsap County*, 793 F.2d 1053 (9<sup>th</sup> Cir. 1986); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9<sup>th</sup> Cir. 1996); *Ellwest Stereo Theatres, Inc. v. Wenner*, 681 F.2d 1243 (9<sup>th</sup> Cir. 1982); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7<sup>th</sup> Cir. 2003); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8<sup>th</sup> Cir. 2003); *Jakes, Ltd., Inc. v. City of Coates*, 284 F.3d 884 (8<sup>th</sup> Cir. 2002); *N. W. Enterprises, Inc. v. City of Houston*, 352 F.3d 162 (5<sup>th</sup> Cir. 2003); and *Fantasyland Video, Inc. v. County of San Diego*, 373 F. Supp. 2d 1094 (S.D. Cal. 2005); and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Arizona Constitution, but to enact an ordinance to further the content-neutral governmental interest of the City, to wit, the controlling of secondary effects of sexually oriented businesses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. That the Scottsdale Revised Code related to sexually oriented businesses, Chapter 16, entitled, "Licenses, Taxation, and Miscellaneous Business Regulations", Sections 16- 236 through 16-279, and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, effective on the 4<sup>th</sup> day of September 2006.

Section 2. That Scottsdale Revised Code Chapter 16, entitled, "Licenses, Taxation, and Miscellaneous Business Regulations", is hereby amended by adding Sections 16-236 through 16- 279, as provided in that certain document known as "Sexually Oriented Businesses," three copies of which are on file in the Office of the Clerk of the City of Scottsdale, Arizona, which document was made a public record by Resolution No. \_\_\_\_ of the City of Scottsdale, Arizona, and is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 3. Any person who violates the provisions of this Ordinance is subject to the following penalties, as stated in Section 1-8 of the Scottsdale Revised Code:

Sec. 1-8. General penalty; continuing violations--Established.

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be a Class I misdemeanor and punished as Class 1 misdemeanors under state law. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(b) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the city, abated as provided by law and each day that such condition continues shall be regarded as a new and separate offense.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. The repeal of sections 16-236 through 16-279 of Chapter 16 of the Scottsdale Revised Code, effective as of the 4<sup>th</sup> day of September, 2006, does not affect the rights but does abrogate the duties that matured or penalties that were incurred and proceedings that were begun but not fully adjudicated and final in all respects before the effective date of the repeal.

Section 6. The effective date of this ordinance is September 4, 2006.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 6<sup>th</sup> day of June, 2006.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Carolyn Jagger

Mary Manross

City Clerk

Mayor

## SEXUALLY ORIENTED BUSINESSES

### DIVISION 1. GENERAL PROVISIONS.

#### SEC. 16-236. FINDINGS.

BASED ON PUBLIC TESTIMONY AND OTHER EVIDENCE BEFORE IT, INCLUDING INFORMATION, STUDIES AND COURT DECISIONS FROM OTHER JURISDICTIONS, THE CITY COUNCIL MAKES THE FOLLOWING LEGISLATIVE FINDINGS AND STATEMENT OF PURPOSE:

- (1) THE COUNCIL RECOGNIZES THAT SOME ACTIVITIES WHICH OCCUR IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES ARE PROTECTED AS EXPRESSION UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION. THE COUNCIL ALSO RECOGNIZES THAT FIRST AMENDMENT RIGHTS ARE AMONG OUR MOST PRECIOUS RIGHTS, AND WISHES TO ACT CONSISTENTLY WITH FULL PROTECTION OF THOSE RIGHTS. THE COUNCIL DOES NOT INTEND THIS ARTICLE TO:
  - (A) RESTRICT THE CONTENT OR REASONABLE ACCESS TO ANY COMMUNICATIVE MATERIALS, INCLUDING SEXUALLY ORIENTED MATERIALS,
  - (B) RESTRICT OR DENY REASONABLE ACCESS BY ADULTS TO SEXUALLY ORIENTED MATERIALS PROTECTED BY THE FIRST AMENDMENT, OR TO DENY ACCESS BY THE DISTRIBUTORS AND EXHIBITORS OF SEXUALLY ORIENTED ENTERTAINMENT TO THEIR INTENDED MARKET, OR
  - (C) CONDONE OR LEGITIMIZE THE DISTRIBUTION OF OBSCENE MATERIAL.
- (2) THE COUNCIL IS AWARE, HOWEVER, THAT SEXUALLY ORIENTED BUSINESSES, AS A CATEGORY OF COMMERCIAL USES, ARE ASSOCIATED WITH SECONDARY EFFECTS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE. THESE SECONDARY EFFECTS INCLUDE:
  - (A) PROSTITUTION AND OTHER SEX RELATED OFFENSES, SUCH AS LEWDNESS, PUBLIC SEXUAL INDECENCY, SEXUAL ASSAULT AND EXPLOITATION;
  - (B) DRUG USE AND DEALING;
  - (C) HEALTH RISKS THROUGH THE SPREAD OF AIDS AND OTHER SEXUALLY TRANSMITTED DISEASES;
  - (D) INFILTRATION BY CRIMINALS FOR THE PURPOSE OF DRUG AND PROSTITUTION-RELATED BUSINESS ACTIVITIES, MONEY LAUNDERING AND OTHER ILLICIT CONDUCT;
  - (E) PERSONAL AND PROPERTY CRIMES; AND
  - (F) NEGATIVE IMPACTS ON SURROUNDING PROPERTIES, URBAN BLIGHT, AND LITTER.

- (3) EACH OF THESE SECONDARY EFFECTS CONSTITUTES A HARM WHICH THE CITY HAS A SUBSTANTIAL GOVERNMENT INTEREST IN PREVENTING AND/OR ABATING. THIS SUBSTANTIAL GOVERNMENTAL INTEREST IN PREVENTING SECONDARY EFFECTS, WHICH IS THE COUNCIL'S RATIONALE FOR THIS ARTICLE, EXISTS INDEPENDENT OF ANY COMPARATIVE ANALYSIS BETWEEN SEXUALLY ORIENTED AND NON-SEXUALLY ORIENTED BUSINESSES. ADDITIONALLY, THE COUNCIL'S INTEREST IN REGULATING SEXUALLY ORIENTED BUSINESSES EXTENDS TO PREVENTING FUTURE SECONDARY EFFECTS OF EITHER CURRENT OR FUTURE SEXUALLY ORIENTED BUSINESSES THAT MAY LOCATE IN THE CITY. THE COUNCIL FINDS THAT THE CASES AND REPORTS RELIED ON FOR THIS ARTICLE ARE RELEVANT TO THESE SECONDARY EFFECTS.
- (4) THIS ARTICLE IS NOT INTENDED TO INTERFERE WITH LEGITIMATE EXPRESSION BUT TO AVOID AND MITIGATE THE SECONDARY EFFECTS ENUMERATED ABOVE. SPECIFICALLY, THE COUNCIL FINDS THAT LICENSING PERSONS WHO OPERATE AND MANAGE SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES WILL FURTHER THE GOALS OF THIS ARTICLE BY ENABLING THE CITY TO ASCERTAIN IF AN APPLICANT IS UNDERAGE OR HAS ENGAGED IN CRIMINAL OR OTHER BEHAVIOR OF THE SORT THIS ARTICLE IS DESIGNED TO LIMIT.
- (5) THE COUNCIL FINDS THAT LIMITING PROXIMITY AND CONTACT BETWEEN SEXUALLY ORIENTED BUSINESS EMPLOYEES AND PATRONS PROMOTES THE GOAL OF REDUCING PROSTITUTION AND OTHER CASUAL SEXUAL CONDUCT AND THE ATTENDANT RISK OF SEXUALLY TRANSMITTED DISEASES. THE COUNCIL FINDS THE FOREGOING TO BE TRUE WITH RESPECT TO PLACES WHERE ALCOHOL IS SERVED AND WHERE IT IS NOT. THE COUNCIL FINDS THAT INDIVIDUAL AND INTERACTIVE SEXUAL ACTIVITY IN ADULT VIDEO FACILITIES POSE A RISK OF SEXUALLY TRANSMITTED DISEASE, INCLUDING AIDS, AND THAT THE VIEWING ROOM REGULATIONS OF THIS ARTICLE WILL REDUCE THAT RISK.
- (6) THE COUNCIL FINDS THAT LIMITING THE HOURS OF OPERATION OF SEXUALLY ORIENTED BUSINESSES WILL HELP PREVENT THE HARMFUL SECONDARY EFFECTS DURING OVERNIGHT HOURS WHEN LAW ENFORCEMENT RESOURCES ARE OFTEN STRAINED AND DARKNESS MAKES POLICING MORE DIFFICULT AND DANGEROUS.
- (7) THE FEES ESTABLISHED FOR LICENSES AND PERMITS IN THIS ARTICLE ARE BASED ON THE ESTIMATED COST OF IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT OF THE LICENSING PROGRAM.

#### SEC. 16-237. DEFINITIONS.

THE FOLLOWING WORDS, TERMS AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

**ADULT CABARET** MEANS A NIGHTCLUB, BAR, JUICE BAR, RESTAURANT, OR OTHER BUSINESS, WHETHER OR NOT ALCOHOLIC BEVERAGES ARE SERVED, WHICH REGULARLY FEATURES PERSONS WHO APPEAR SEMI-NUDE.

**ADULT VIDEO FACILITY** MEANS A BUSINESS WHERE, FOR ANY FORM OF CONSIDERATION, ELECTRONIC VISUAL MEDIA ARE REGULARLY SHOWN IN THE NORMAL

COURSE OF BUSINESS. ADULT VIDEO FACILITY DOES NOT INCLUDE A THEATER WHERE ALL VIEWING OF ELECTRONIC VISUAL MEDIA OCCURS IN A COMMON AREA WITH SEATING FOR FIFTY (50) OR MORE PERSONS.

*ALCOHOLIC BEVERAGES* MEANS ALCOHOL, BRANDY, WHISKEY, RUM, TEQUILA, MESCAL, GIN, WINE, PORTER, ALE, BEER AND ALL OTHER SUBSTANCES DEFINED AS SPIRITUOUS LIQUOR BY ARIZONA LAW.

*CHARACTERIZED BY* MEANS DESCRIBING THE ESSENTIAL CHARACTER OR QUALITY OF AN ITEM. AS APPLIED IN THIS ARTICLE, NO BUSINESS SHALL BE CLASSIFIED AS A SEXUALLY ORIENTED BUSINESS BY VIRTUE OF SHOWING, SELLING, OR RENTING MATERIALS RATED NC-17 OR R BY THE MOTION PICTURE ASSOCIATION OF AMERICA.

*DIRECTOR* MEANS THE CITY CUSTOMER SERVICE TAX AUDIT DIRECTOR OR THE DIRECTOR'S DESIGNEE.

*ELECTRONIC VISUAL MEDIA* MEANS FILMS, MOTION PICTURES, VIDEO CASSETTES, SLIDES, DIGITAL VIDEO DISKS AND OTHER SIMILAR ELECTRONIC, DIGITAL OR MECHANICAL IMAGE PRODUCTIONS, CHARACTERIZED BY AN EMPHASIS ON THE DISPLAY OF SPECIFIED SEXUAL ACTIVITY OR SPECIFIED ANATOMICAL AREAS.

*EMPLOYEE* MEANS ANY PERSON WHO PERFORMS ANY SERVICE ON THE PREMISES OF A SEXUALLY ORIENTED BUSINESS, ON A FULL TIME, PART TIME, OR CONTRACT BASIS, WHETHER OR NOT THE PERSON IS DENOMINATED AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE. EMPLOYEE DOES NOT INCLUDE A PERSON EXCLUSIVELY ON THE PREMISES FOR REPAIR OR MAINTENANCE OF THE PREMISES OR FOR THE DELIVERY OF GOODS TO THE PREMISES.

*GENERAL MANAGER* MEANS THE CITY GENERAL MANAGER OF FINANCIAL SERVICES OR THE GENERAL MANAGER'S DESIGNEE.

*INFLUENTIAL INTEREST* MEANS THE ABILITY TO PARTICIPATE DIRECTLY AND REGULARLY IN THE MANAGEMENT OF THE BUSINESS, AND IS PRESUMED TO EXIST IN AN OFFICER, DIRECTOR, GENERAL PARTNER OR ON-SITE MANAGER OF THE BUSINESS.

*LICENSE* MEANS THE LICENSE REQUIRED BY THIS ARTICLE TO OPERATE A SEXUALLY ORIENTED BUSINESS.

*LICENSEE* MEANS A PERSON HOLDING A SEXUALLY ORIENTED BUSINESS LICENSE ISSUED UNDER THIS ARTICLE.

*MANAGER'S STATION* MEANS A PERMANENTLY DESIGNATED AREA MARKED ACCORDINGLY WITHIN A SEXUALLY ORIENTED BUSINESS, ACCESSIBLE TO PATRONS, WHERE AN ON-SITE MANAGER MAY BE LOCATED.

*NUDE* MEANS THE SHOWING OF THE MALE OR FEMALE GENITALS, PUBIC AREA, VULVA OR ANUS WITH LESS THAN A FULLY OPAQUE COVERING.

*ON-SITE MANAGER* MEANS A PERSON ON THE PREMISES WHO DIRECTS THE DAILY OPERATIONS OF A SEXUALLY ORIENTED BUSINESS.

*PATRON* MEANS A PERSON INVITED OR PERMITTED TO ENTER AND REMAIN UPON THE PREMISES OF A SEXUALLY ORIENTED BUSINESS, WHETHER OR NOT FOR CONSIDERATION.

*PERMIT* MEANS THE PERMIT REQUIRED BY THIS ARTICLE TO BE AN EMPLOYEE OF A SEXUALLY ORIENTED BUSINESS.

*PREMISES* MEANS THE REAL PROPERTY UPON WHICH THE SEXUALLY ORIENTED BUSINESS IS LOCATED, INCLUDING ALL BUILDINGS AND SURROUNDING AREAS UNDER THE LICENSEE'S SUPERVISION.

*REGULARLY* MEANS THE CONSISTENT AND REPEATED DOING OF THE ACT SO DESCRIBED.

*SEMI-NUDE* MEANS THE SHOWING OF EITHER:

- (1) THE FEMALE BREAST FROM BELOW A HORIZONTAL LINE ACROSS THE TOP OF THE AREOLA, ACROSS THE WIDTH OF THE BREAST, TO THE BOTTOM OF THE BREAST, OR
- (2) THE MALE OR FEMALE BUTTOCKS.

THIS DEFINITION INCLUDES THE LOWER PORTION OF THE FEMALE BREAST, BUT DOES NOT INCLUDE ANY PORTION OF THE CLEAVAGE OF THE FEMALE BREAST SHOWN BY A DRESS, BLOUSE, SHIRT, LEOTARD, BATHING SUIT, BIKINI, OR SIMILAR CLOTHING IF THE AREOLA AND NIPPLE ARE NOT EXPOSED.

*SEXUALLY ORIENTED BUSINESS* MEANS AN ADULT CABARET OR AN ADULT VIDEO FACILITY.

*SPECIFIED ANATOMICAL AREAS* MEANS MALE OR FEMALE GENITALS, PUBIC AREA, VULVA, ANUS OR ANAL CLEFT, AND THE FEMALE BREAST BELOW THE TOP OF THE NIPPLE.

*SPECIFIED CRIME* MEANS PUBLIC SEXUAL INDECENCY, SEXUAL ASSAULT, PROSTITUTION, PERJURY, FORGERY, TAX EVASION, FRAUD, ORGANIZED CRIME, MONEY LAUNDERING, THEFT, MISAPPROPRIATION OF FUNDS, AND CONTROLLED SUBSTANCES OFFENSES. SPECIFIED CRIME ALSO INCLUDES ANY ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT A CRIME LISTED.

*SPECIFIED SEXUAL ACTIVITY* MEANS:

- (1) INTERCOURSE, ORAL COPULATION, MASTURBATION OR SODOMY; OR
- (2) EXCRETORY FUNCTIONS IN CONNECTION WITH ANY OF THE ACTIVITIES IN (1) ABOVE; OR
- (3) GROPING, CARESSING OR FONDLING THE ANUS, VULVA, GENITALS OR FEMALE BREAST OF ANY OTHER PERSON.

*TRANSFER* INCLUDES:

- (1) THE SALE, LEASE, OR SUBLEASE OF A SEXUALLY ORIENTED BUSINESS;
- (2) THE TRANSFER OF AN INFLUENTIAL INTEREST IN A SEXUALLY ORIENTED BUSINESS, WHETHER BY SALE, EXCHANGE, OR OTHER MEANS; OR

- (3) THE ESTABLISHMENT OF A TRUST, GIFT, OR OTHER LEGAL DEVICE WHICH TRANSFERS AN INFLUENTIAL INTEREST IN A SEXUALLY ORIENTED BUSINESS, EXCEPT FOR TRANSFER BY BEQUEST OR OTHER OPERATION OF LAW UPON DEATH.

**VIEWING ROOM** MEANS THE ROOM, BOOTH, OR AREA WHERE A PATRON OF SEXUALLY ORIENTED BUSINESS WOULD BE POSITIONED WHILE WATCHING ELECTRONIC VISUAL MEDIA.

**SEC. 16-238. ADMINISTRATION.**

(A) THE ADMINISTRATION OF THIS ARTICLE, INCLUDING PRESCRIBING FORMS, IS VESTED IN THE GENERAL MANAGER, EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED. THE CHIEF OF POLICE SHALL RENDER SUCH ASSISTANCE IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE AS MAY BE REQUESTED BY THE GENERAL MANAGER OR THE DIRECTOR.

(B) LICENSE OR PERMIT APPLICATIONS MADE PURSUANT TO THIS ARTICLE SHALL BE SUBMITTED TO THE DIRECTOR WHO SHALL ISSUE, DENY, OR REVOKE LICENSES OR PERMITS IN CONFORMANCE WITH THIS ARTICLE.

**SEC. 16-239. LICENSES AND PERMITS GENERALLY.**

(A) THE LICENSES AND PERMITS REQUIRED BY THIS ARTICLE ARE IN ADDITION TO ANY OTHER APPLICABLE LICENSES OR PERMITS REQUIRED BY THE CITY, COUNTY OR STATE. OBTAINING A LICENSE OR PERMIT UNDER THIS ARTICLE SHALL NOT EXEMPT SEXUALLY ORIENTED BUSINESSES OR EMPLOYEES FROM COMPLYING WITH ALL OTHER APPLICABLE LAWS, REGULATIONS AND POLICIES, INCLUDING THE CITY'S ZONING ORDINANCE.

(B) EXCEPT FOR TEMPORARY LICENSES AND PERMITS, THE DIRECTOR SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF COMPLETION OF ALL APPLICATION MATERIALS AND REQUIREMENTS TO EITHER ISSUE OR DENY ANY LICENSE OR PERMIT SUBJECT TO THIS ARTICLE. THE ISSUANCE OF ANY LICENSE OR PERMIT DOES NOT WAIVE ANY RIGHT OF DENIAL OR REVOCATION.

**SEC. 16-240. FINGERPRINTING.**

(A) THE APPLICANT FILING THE APPLICATION IN PERSON FOR A SEXUALLY ORIENTED BUSINESS LICENSE AND ALL APPLICANTS FOR PERMITS UNDER THIS ARTICLE SHALL PERSONALLY APPEAR AT THE DIRECTOR'S OFFICE TO BE FINGERPRINTED. THE DIRECTOR SHALL PROVIDE FINGERPRINTING SERVICE WITHIN ONE (1) WORK DAY OF THE APPLICANT'S REQUEST.

(B) ALL PERSONS WITH AN INFLUENTIAL INTEREST IN THE APPLICANT FOR A SEXUALLY ORIENTED BUSINESS LICENSE SHALL SUBMIT A SET OF FINGERPRINTS, NOT MORE THAN ONE (1) MONTH OLD, TO THE DIRECTOR.

**SEC. 16-241. TERM OF LICENSE OR PERMIT.**

(A) LICENSES ISSUED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUANCE, UNLESS REVOKED.

(B) PERMITS ISSUED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF ISSUANCE, UNLESS REVOKED.



SEC. 16-242. LICENSES AND PERMITS NOT TRANSFERABLE.

LICENSES AND PERMITS ISSUED UNDER THIS ARTICLE ARE NOT TRANSFERABLE, BY ANY TYPE OF TRANSFER, FROM PERSON TO PERSON, OR LOCATION TO LOCATION.

SEC. 16-243. TEMPORARY LICENSE OR PERMIT.

(A) UPON RECEIPT OF A COMPLETED APPLICATION, THE DIRECTOR SHALL ISSUE A TEMPORARY LICENSE OR PERMIT TO AN APPLICANT IF:

(1) THE APPLICANT HOLDS A CURRENT SEXUALLY ORIENTED BUSINESS LICENSE, OR

(2) THE APPLICANT SEEKS A SEXUALLY ORIENTED BUSINESS EMPLOYEE PERMIT.

(B) THE TEMPORARY LICENSE OR PERMIT SHALL EXPIRE UPON THE DIRECTOR'S ISSUANCE OR DENIAL OF THE APPLICATION.

SEC. 16-244. APPLICABILITY.

THIS ARTICLE SHALL APPLY TO ALL PERSONS ENGAGING IN THE ACTIVITIES DESCRIBED HEREIN, WHETHER OR NOT SUCH ACTIVITIES BEGAN BEFORE THE EFFECTIVE DATE OF THIS ARTICLE. PERSONS SO ENGAGED AS OF THE EFFECTIVE DATE OF THIS ARTICLE MUST BE IN FULL COMPLIANCE WITH THIS ARTICLE, INCLUDING RECEIPT OF ANY REQUIRED LICENSE OR PERMIT, WITHIN ONE HUNDRED EIGHTY (180) DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

DIVISION 2. SEXUALLY ORIENTED BUSINESSES.

SEC. 16-245. LICENSE REQUIRED.

NO PERSON SHALL OPERATE A SEXUALLY ORIENTED BUSINESS WITHOUT A VALID LICENSE ISSUED UNDER THIS ARTICLE.

SEC. 16-246. LICENSE CONTENTS AND RESTRICTIONS.

(A) THE LICENSE SHALL STATE THE NAME OF THE LICENSEE(S), THE NAME, ADDRESS AND PHONE NUMBER OF THE LICENSED PREMISES; THE NUMBER OF THE LICENSE; AND THE DATES OF ISSUANCE AND EXPIRATION.

(B) A SEXUALLY ORIENTED BUSINESS FOR WHICH A LICENSE HAS BEEN ISSUED UNDER TO THIS ARTICLE MAY CONDUCT BUSINESS ONLY UNDER THE NAME SPECIFIED IN THE LICENSE. IF THE LICENSED SEXUALLY ORIENTED BUSINESS NOTIFIES THE DIRECTOR IN WRITING OF A CHANGE OF NAME AT LEAST 10 DAYS PRIOR TO THE FIRST USE OF THE NEW NAME, THEN THE LICENSED SEXUALLY ORIENTED BUSINESS MAY UTILIZE THE NEW NAME.

(C) A LICENSEE SHALL CONDUCT BUSINESS ONLY AT THE ADDRESS SHOWN ON THE LICENSE. EACH ADDITIONAL PLACE OF BUSINESS REQUIRES A SEPARATE LICENSE.

SEC. 16-247. FEES.

AN APPLICANT SHALL PAY THE FOLLOWING FEES, AS ADOPTED BY THE CITY COUNCIL:

- (1) AN APPLICANT SHALL SUBMIT A NON-REFUNDABLE FEE OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH LICENSE AND RENEWAL LICENSE UNDER THIS ARTICLE.
- (2) WHEN FINGERPRINTS ARE TAKEN, THE APPLICANT SHALL PAY THE DIRECTOR A FEE COVERING THE COST OF OBTAINING CRIMINAL HISTORY INFORMATION FOR EACH SET OF FINGERPRINTS REQUIRED UNDER THIS ARTICLE.
- (3) UPON REQUEST AND PAYMENT OF THE FEE OF TEN DOLLARS (\$10.00), THE DIRECTOR SHALL ISSUE A DUPLICATE LICENSE TO A LICENSEE WHOSE LICENSE HAS BEEN LOST, STOLEN OR DESTROYED.

SEC. 16-248. LICENSE APPLICATION.

(A) AN APPLICANT FOR A SEXUALLY ORIENTED BUSINESS LICENSE SHALL FILE AN APPLICATION ON THE FORM PRESCRIBED BY THE DIRECTOR, IN PERSON, AT THE DIRECTOR'S OFFICE.

(B) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICANT SHALL SIGN THE APPLICATION. IF THE APPLICANT IS OTHER THAN AN INDIVIDUAL, EACH PERSON WITH AN INFLUENTIAL INTEREST IN THE BUSINESS SHALL SIGN THE APPLICATION. THE BUSINESS SHALL DESIGNATE ONE OF THOSE PERSONS TO SERVE AS THE CONTACT PERSON. EACH PERSON WITH AN INFLUENTIAL INTEREST IN THE BUSINESS IS AN APPLICANT AND SHALL BE CONSIDERED A LICENSEE IF A LICENSE IS GRANTED.

(C) THE APPLICATION SHALL BE ACCOMPANIED BY THE FEES AND FINGERPRINTS REQUIRED BY THIS ARTICLE.

(D) THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION ABOUT THE APPLICANT(S):

- (1) THE NAME, BUSINESS LOCATION, BUSINESS MAILING ADDRESS AND PHONE NUMBER OF THE PROPOSED SEXUALLY ORIENTED BUSINESS.
- (2) THE FULL TRUE NAME AND ANY OTHER NAMES, ALIASES OR STAGE NAMES USED IN THE PRECEDING FIVE (5) YEARS.
- (3) CURRENT BUSINESS MAILING ADDRESS AND TELEPHONE NUMBER.
- (4) WRITTEN PROOF OF AGE, IN THE FORM OF A BIRTH CERTIFICATE, CURRENT DRIVER'S LICENSE WITH PICTURE, OR OTHER PICTURE IDENTIFICATION DOCUMENT ISSUED BY A GOVERNMENTAL AGENCY.
- (5) A STATEMENT WHETHER ANY APPLICANT HAS BEEN CONVICTED OF, PLED GUILTY OR NO CONTEST TO A SPECIFIED CRIME WITHIN FIVE (5) YEARS PRECEDING THE APPLICATION DATE. FOR EACH SPECIFIED CRIME LISTED, THE APPLICANT SHALL STATE THE SPECIFIED CRIME, THE DATE, PLACE AND JURISDICTION OF JUDGMENT.

- (6) THE NAME AND BUSINESS ADDRESS OF THE STATUTORY AGENT OR OTHER AGENT AUTHORIZED TO RECEIVE SERVICE OF PROCESS.
- (7) THE FULL LEGAL NAME(S), BUSINESS MAILING ADDRESS AND TELEPHONE NUMBER OF ALL ON-SITE MANAGER(S).
- (8) AN ACCURATE, TO SCALE, FLOOR PLAN OF THE PREMISES SHOWING COMPLIANCE WITH THIS ARTICLE.

(A) ALL FLOOR PLANS SHALL SHOW THE LOCATION OF:

- (I) THE PARTS OF THE PREMISES WHERE PATRONS ARE NOT PERMITTED,
- (II) THE ON-SITE MANAGER'S STATION, ACCESSIBLE TO PATRONS,
- (III) THE RESTROOMS, AND
- (IV) THE POSTED LICENSE AND ALL POSTED SIGNS REQUIRED UNDER THIS ARTICLE.

(B) IN ADDITION, THE FLOOR PLAN FOR AN ADULT VIDEO FACILITY SHALL SHOW THE LOCATIONS OF THE:

- (I) VIEWING ROOMS,
- (II) OVERHEAD LIGHT FIXTURES, AND
- (III) CAMERAS AND MONITORS.

(E) AN APPLICATION IS DEEMED COMPLETE UPON THE APPLICANT'S SUBMITTAL OF ALL THE INFORMATION AND REQUIREMENTS OF THIS SECTION.

#### SEC. 16-249. INFORMATION UPDATE.

AN APPLICANT OR LICENSEE SHALL GIVE WRITTEN NOTICE TO THE DIRECTOR OF ANY CHANGES IN INFORMATION SUBMITTED IN CONNECTION WITH A LICENSE OR RENEWAL APPLICATION FOR A SEXUALLY ORIENTED BUSINESS, WITHIN TEN (10) DAYS OF ANY SUCH CHANGE.

#### DIVISION 3. SEXUALLY ORIENTED BUSINESS EMPLOYEE PERMITS.

##### SEC. 16-250. PERMIT REQUIRED.

NO PERSON WHO IS A SEXUALLY ORIENTED BUSINESS EMPLOYEE SHALL OPERATE WITHOUT A VALID PERMIT ISSUED UNDER THIS ARTICLE.

##### SEC. 16-251. IDENTIFICATION CARD.

IF THE PERMIT IS ISSUED, THE DIRECTOR SHALL ISSUE AN IDENTIFICATION CARD. THE IDENTIFICATION CARD SHALL INCLUDE THE NAME OF THE PERMITTEE, A PHOTOGRAPH OF

THE PERMITTEE, THE NUMBER OF THE PERMIT, AND THE DATES OF ISSUANCE AND EXPIRATION.

**SEC. 16-252. FEES.**

AN APPLICANT SHALL PAY THE FOLLOWING FEES, AS ADOPTED BY THE CITY COUNCIL:

- (1) AN APPLICANT SHALL SUBMIT A NON-REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) FOR EACH PERMIT AND RENEWAL PERMIT UNDER THIS ARTICLE.
- (2) WHEN FINGERPRINTS ARE TAKEN, THE APPLICANT SHALL PAY THE DIRECTOR A FEE COVERING THE COST OF OBTAINING CRIMINAL HISTORY INFORMATION FOR THE FINGERPRINTS.
- (3) UPON REQUEST AND PAYMENT OF THE FEE OF TEN DOLLARS (\$10.00), THE DIRECTOR SHALL ISSUE A DUPLICATE PERMIT OR IDENTIFICATION CARD TO A PERSON WHOSE PERMIT OR IDENTIFICATION CARD HAS BEEN LOST, STOLEN OR DESTROYED.

**SEC. 16-253. PERMIT APPLICATION.**

APPLICATION FOR A SEXUALLY ORIENTED BUSINESS EMPLOYEE PERMIT SHALL BE MADE IN THE SAME MANNER AS APPLICATION FOR A SEXUALLY ORIENTED BUSINESS LICENSE, EXCEPT THAT THE APPLICANT NEED PROVIDE ONLY THE INFORMATION REQUIRED IN SUBPARAGRAPHS (2) THROUGH (5) OF SECTION 16-248(C).

**SEC. 16-254. INFORMATION UPDATE.**

AN APPLICANT OR PERMITTEE SHALL GIVE WRITTEN NOTICE TO THE DIRECTOR OF ANY CHANGES IN INFORMATION SUBMITTED IN CONNECTION WITH A PERMIT OR RENEWAL APPLICATION FOR A SEXUALLY ORIENTED BUSINESS EMPLOYEE, WITHIN TEN (10) DAYS OF ANY SUCH CHANGE.

**DIVISION 4. LICENSING AND PERMITTING PROCEDURES.**

**SEC. 16-260. CONFIDENTIALITY.**

THE DIRECTOR SHALL MAINTAIN AS CONFIDENTIAL THE INFORMATION PROVIDED BY AN APPLICANT IN AN APPLICATION FOR A LICENSE OR PERMIT UNDER THIS ARTICLE. HOWEVER, SUCH INFORMATION MAY BE DISCLOSED TO OTHER GOVERNMENTAL AGENCIES IN CONNECTION WITH A LAW ENFORCEMENT OR PUBLIC SAFETY FUNCTION.

**SEC. 16-261. CRITERIA FOR ISSUANCE.**

THE DIRECTOR SHALL ISSUE A LICENSE OR PERMIT TO AN APPLICANT IF THE APPLICANT AND ALL PERSONS WITH AN INFLUENTIAL INTEREST IN THE APPLICANT MEET THE FOLLOWING REQUIREMENTS.

- (1) THE APPLICATION IS COMPLETE.

- (2) THE APPLICATION CONTAINS NO MISREPRESENTATION, FALSE STATEMENT OR OMISSION.
- (3) THE APPLICANT HAS PAID ALL FEES REQUIRED BY THIS ARTICLE.
- (4) THE APPLICANT IS AT LEAST EIGHTEEN (18) YEARS OF AGE.
- (5) THE APPLICANT, WITHIN FIVE (5) YEARS PRECEDING THE APPLICATION DATE, HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NO CONTEST TO A FELONY VIOLATION OR TWO (2) MISDEMEANOR VIOLATIONS OF ONE (1) OR MORE SPECIFIED CRIMES.

SEC. 16-262. ISSUANCE OF LICENSE OR PERMIT.

(A) WITHIN THIRTY-FIVE (35) DAYS AFTER RECEIPT OF A COMPLETED APPLICATION FOR A LICENSE OR PERMIT UNDER THIS ARTICLE, THE DIRECTOR SHALL ISSUE THE LICENSE OR PERMIT OR NOTIFY THE APPLICANT OF THE INTENT TO DENY THE LICENSE OR PERMIT. IF THE DIRECTOR FAILS TO DO SO, THE LICENSE SHALL BE DEEMED ISSUED.

(B) THE DIRECTOR SHALL ISSUE THE LICENSE OR PERMIT TO AN APPLICANT WHO MEETS ALL THE CRITERIA FOR ISSUANCE ABOVE.

(C) THE ISSUANCE OF ANY LICENSE OR PERMIT DOES NOT WAIVE ANY RIGHT OF REVOCATION OR DENIAL THE CITY MAY HAVE AT THE TIME OF ISSUANCE.

SEC. 16-263. GROUNDS FOR DENIAL OR REVOCATION.

(A) THE DIRECTOR SHALL DENY A LICENSE OR PERMIT IF THE APPLICANT OR ANY PERSON WITH AN INFLUENTIAL INTEREST IN THE APPLICANT FAILS TO MEET THE CRITERIA FOR ISSUANCE ABOVE.

(B) THE DIRECTOR SHALL REVOKE A LICENSE OR PERMIT ISSUED UNDER THIS ARTICLE IF THE LICENSEE OR PERMITTEE:

- (1) HAS GIVEN FALSE INFORMATION IN THE LICENSE OR PERMIT APPLICATION.
- (2) HAS KNOWINGLY OR RECKLESSLY ENGAGED IN OR ALLOWED POSSESSION, USE OR SALE OF CONTROLLED SUBSTANCES ON THE PREMISES.
- (3) HAS KNOWINGLY OR RECKLESSLY ENGAGED IN OR ALLOWED PROSTITUTION OR ANY SPECIFIED SEXUAL ACTIVITY ON THE PREMISES.
- (4) IS CONVICTED OF THREE (3) OR MORE VIOLATIONS OF THIS ARTICLE IN ANY TWELVE-MONTH PERIOD.
- (5) IS CONVICTED OF OR PLEADS GUILTY OR NO CONTEST TO A FELONY VIOLATION OR TWO (2) MISDEMEANOR VIOLATIONS OF ONE (1) OR MORE SPECIFIED CRIMES.

(C) THE APPEAL OF ANY RELEVANT CONVICTION SHALL HAVE NO EFFECT ON THE DENIAL OR REVOCATION OF A LICENSE OR PERMIT, UNLESS A CONVICTION THAT SERVES AS

GROUND FOR DENIAL OR REVOCATION IS REVERSED. THEN THAT CONVICTION SHALL BE DEEMED NULL FOR PURPOSES OF DENIAL OR REVOCATION.

SEC. 16-264. PROCEDURE FOR DENIAL OR REVOCATION.

(A) IF THE DIRECTOR DETERMINES THAT GROUNDS EXIST TO DENY OR REVOKE A LICENSE OR PERMIT UNDER THIS ARTICLE, THE DIRECTOR SHALL NOTIFY THE APPLICANT, LICENSEE OR PERMITTEE IN WRITING OF THE INTENT TO DENY OR REVOKE, INCLUDING THE GROUNDS THEREFOR.

(B) WITHIN TEN (10) WORK DAYS OF RECEIPT OF SUCH NOTICE, THE RECIPIENT MAY RESPOND TO THE DIRECTOR IN WRITING, STATING THE REASONS WHY THE LICENSE OR PERMIT SHOULD NOT BE DENIED OR REVOKED. IF THE DIRECTOR DOES NOT RECEIVE A RESPONSE IN THE TIME STATED, THE DIRECTOR'S NOTICE SHALL BE THE FINAL ADMINISTRATIVE ACTION OF DENIAL OR REVOCATION. THE DIRECTOR SHALL SEND AN ADDITIONAL NOTICE TO CONFIRM THE DENIAL OR REVOCATION NOTICE WITHIN FIVE (5) WORK DAYS AFTER THE TIME TO RESPOND EXPIRES.

(C) IF THE DIRECTOR RECEIVES A RESPONSE, WITHIN FIVE (5) WORK DAYS OF RECEIPT, THE DIRECTOR SHALL:

- (1) NOTIFY THE APPLICANT, LICENSE OR PERMITTEE OF THE DIRECTOR'S WITHDRAWAL OF THE INTENT TO DENY OR REVOKE; OR
- (2) NOTIFY THE APPLICANT, LICENSEE OR PERMITTEE OF THE DATE, TIME AND PLACE FOR A HEARING BEFORE THE GENERAL MANAGER.

(D) IF THE DIRECTOR FAILS TO SEND A TIMELY NOTIFICATION EITHER WITHDRAWING THE INTENT TO DENY OR REVOKE OR SCHEDULING A HEARING, A DECISION IN FAVOR OF THE APPLICANT, LICENSEE OR PERMITTEE IS DEEMED MADE.

(E) THE HEARING SHALL BE CONDUCTED NOT LESS THAN FIFTEEN (15) NOR MORE THAN TWENTY (20) WORK DAYS AFTER THE DIRECTOR'S RECEIPT OF THE RESPONSE. THE HEARING SHALL BE CONDUCTED IN AN INFORMAL MANNER. BOTH PARTIES MAY BE REPRESENTED BY COUNSEL AND PRESENT EVIDENCE. THE DIRECTOR BEARS THE BURDEN OF PROVING THE GROUNDS TO DENY OR REVOKE A LICENSE OR PERMIT. THE FORMAL RULES OF EVIDENCE SHALL NOT APPLY.

(F) WITHIN FIVE (5) WORK DAYS AFTER THE HEARING, THE GENERAL MANAGER SHALL ISSUE A WRITTEN DECISION, INCLUDING THE GROUNDS FOR THE DECISION, AND SHALL MAIL THE DECISION TO THE APPLICANT, LICENSEE OR PERMITTEE. THE GENERAL MANAGER'S DECISION SHALL INCLUDE INFORMATION ADVISING THE APPLICANT, LICENSEE OR PERMITTEE OF ANY RIGHT TO CHALLENGE THE DECISION IN ANY COURT. IF MORE THAN FORTY-FIVE (45) DAYS ELAPSE BETWEEN THE DIRECTOR'S RECEIPT OF A RESPONSE AND THE GENERAL MANAGER'S SENDING THE FINAL DECISION, A DECISION IN FAVOR OF THE APPLICANT, LICENSEE OR PERMITTEE SHALL BE DEEMED MADE.

(G) IF THE GENERAL MANAGER FINDS NO GROUNDS TO DENY THE LICENSE OR PERMIT, THE DIRECTOR SHALL ISSUE THE LICENSE OR PERMIT. IF THE GENERAL MANAGER FINDS NO GROUNDS TO REVOKE THE LICENSE OR PERMIT, THE DIRECTOR SHALL WITHDRAW THE INTENT TO REVOKE AND DEEM THE LICENSE OR PERMIT VALID. THE DIRECTOR SHALL TAKE ACTION REQUIRED UNDER THIS SUBSECTION WITHIN FIVE (5) WORK DAYS OF THE GENERAL MANAGER'S DECISION.

(H) IN THE CASE OF AN INTENT TO DENY OR REVOKE A LICENSE OR PERMIT, THE LICENSEE OR PERMITTEE MAY CONTINUE TO OPERATE FOR FIFTEEN (15) DAYS AFTER THE GENERAL MANAGER'S DECISION BECOMES FINAL. THE GENERAL MANAGER'S DECISION SHALL BE DEEMED FINAL AT THE END OF FIVE (5) WORK DAYS AFTER IT IS MAILED AND SHALL CONSTITUTE FINAL ADMINISTRATIVE ACTION.

(I) ALL NOTICES UNDER THIS SECTION SHALL BE SENT BY CERTIFIED MAIL TO THE APPLICANT, LICENSEE OR PERMITTEE'S ADDRESS ON FILE WITH THE DIRECTOR.

#### SEC. 16-265. JUDICIAL APPEAL.

FINAL ADMINISTRATIVE ACTION TO DENY OR REVOKE A LICENSE OR PERMIT MAY BE CHALLENGED BY FILING SUIT WITHIN THIRTY-FIVE (35) DAYS AFTER RECEIPT OF WRITTEN NOTICE OF THE FINAL ADMINISTRATIVE ACTION. THE CITY SHALL CONSENT TO EXPEDITED HEARING AND DISPOSITION. IF A LICENSEE OR PERMITTEE FILES SUIT TO CHALLENGE A FINAL ADMINISTRATIVE ACTION, THE LICENSEE OR PERMITTEE MAY CONTINUE TO OPERATE PENDING COMPLETION OF JUDICIAL REVIEW.

#### DIVISION 5. LICENSE AND PERMIT RENEWAL.

##### SEC. 16-270. LICENSE AND PERMIT RENEWAL.

(A) TO RENEW A LICENSE OR PERMIT, AN APPLICANT SHALL FILE A RENEWAL APPLICATION, IN PERSON, AT THE DIRECTOR'S OFFICE. THE APPLICATION SHALL CONTAIN THE INFORMATION AND FEES REQUIRED TO BE SUBMITTED WITH AN ORIGINAL APPLICATION, INCLUDING FINGERPRINTS. HOWEVER, A RENEWAL APPLICATION NEED NOT CONTAIN ANY OTHER INFORMATION THAT HAS BEEN PROVIDED IN A PREVIOUS APPLICATION AND HAS NOT CHANGED SINCE THE MOST RECENT APPLICATION. AN APPLICATION FOR LICENSE OR PERMIT RENEWAL SHALL BE RECEIVED BY THE DIRECTOR NOT LESS THAN FIFTY-FIVE (55) DAYS BEFORE THE EXPIRATION OF THE LICENSE OR PERMIT.

(B) THE DIRECTOR MAY DENY A RENEWAL APPLICATION FOR GROUNDS AND IN COMPLIANCE WITH THE PROCEDURES SET FORTH IN THIS ARTICLE.

#### DIVISION 6. OPERATIONS AND INSPECTIONS.

##### SEC. 16-275. OPERATING REQUIREMENTS – ALL SEXUALLY ORIENTED BUSINESSES.

(A) THE ON-SITE MANAGER AND ALL SEXUALLY ORIENTED BUSINESS EMPLOYEES ON THE PREMISES ARE RESPONSIBLE FOR ENSURING THAT THE PREMISES AND PATRONS COMPLY WITH ALL OPERATING REQUIREMENTS.

(B) A SIGN SHALL BE CONSPICUOUSLY POSTED NEAR THE ENTRANCE STATING THE FOLLOWING RULES AND PENALTIES:

- (1) PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS ARE NOT ALLOWED ON THE PREMISES.
- (2) SEXUAL ACTIVITY ON THE PREMISES IS PROHIBITED.

VIOLATIONS OF THESE RULES ARE UNLAWFUL. VIOLATORS WILL BE REQUIRED TO LEAVE.

(C) THE EXTERIOR OF THE PREMISES SHALL BE:

(1) LIGHTED TO PROVIDE ILLUMINATION OF AT LEAST ONE (1) FOOT- CANDLE MEASURED AT GROUND LEVEL TO PERMIT INSPECTION TO PROHIBIT LOITERING; AND

(2) POSTED WITH A CONSPICUOUS SIGN STATING THAT LOITERING IS PROHIBITED ON THE PREMISES.

(D) THE SEXUALLY ORIENTED BUSINESS LICENSE SHALL BE CONSPICUOUSLY POSTED NEAR THE ENTRANCE, READILY VISIBLE TO PATRONS.

(E) THE SEXUALLY ORIENTED BUSINESS EMPLOYEES' PERMITS AND IDENTIFICATION CARDS SHALL BE MAINTAINED AT THE SEXUALLY ORIENTED BUSINESS, IN CUSTODY OF THE ON-SITE MANAGER.

(F) THE ON-SITE MANAGER SHALL WEAR HIS/HER IDENTIFICATION CARD AT ALL TIMES WHILE ON THE PREMISES. THE IDENTIFICATION CARD SHALL BE WORN ON THE FRONT OF THE CLOTHING, ABOVE THE WAIST, SO THAT THE PHOTOGRAPH AND NUMBER ARE CLEARLY VISIBLE TO PATRONS.

(G) AN ON-SITE MANAGER SHALL BE ON THE PREMISES AT THE MANAGER'S STATION AT ALL TIMES DURING ITS HOURS OF OPERATION.

(H) NO PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS IS ALLOWED ON THE PREMISES.

(I) NO PERSON SHALL ENGAGE IN A SPECIFIED SEXUAL ACTIVITY ON THE PREMISES.

(J) RESTROOMS SHALL NOT CONTAIN MONITORING OR RECORDING EQUIPMENT.

(K) PATRONS SHALL NOT ENTER THE PARTS OF THE PREMISES WHERE PATRONS ARE NOT PERMITTED, AS SHOWN ON THE FLOOR PLAN.

(L) NO PERSON SHALL KNOWINGLY OR INTENTIONALLY APPEAR NUDE IN A SEXUALLY ORIENTED BUSINESS REGARDLESS OF WHETHER APPEARING NUDE IS EXPRESSIVE IN NATURE.

SEC. 16-276. OPERATING REQUIREMENTS — ADULT CABARETS.

(A) THE ON-SITE MANAGER SHALL KEEP A LOG OF ALL SEXUALLY ORIENTED BUSINESS EMPLOYEES ON THE PREMISES. THE LOG SHALL BE MAINTAINED TO COVER THE PRECEDING TWELVE (12) MONTH PERIOD.

(B) THE ON-SITE MANAGER'S STATION SHALL HAVE AN UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW OF THE ENTIRE PREMISES, EXCEPT THE RESTROOMS. THE UNOBSTRUCTED LINE OF SIGHT MAY BE WITH THE UNAIDED EYE OR BY CLOSED CIRCUIT VIDEO MONITORING. THE UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW SHALL NOT BE OBSTRUCTED BY ANY DOORS, CURTAINS, WALLS, MERCHANDISE, DISPLAY RACKS OR OTHER MATERIALS WHENEVER A PATRON IS ON THE PREMISES.

(C) HOURS OF OPERATION FOR AN ADULT CABARET:



1. WITH A SPIRITUOUS LIQUOR LICENSE ISSUED UNDER ARIZONA LAW, SHALL BE LIMITED TO 6 A.M. TO 2 A.M., MONDAYS THROUGH SATURDAYS; AND 10 A.M. TO 2 A.M., SUNDAYS, OR SUCH OTHER HOURS AS LIMITED BY ARIZONA LAW.
2. WITHOUT A SPIRITUOUS LIQUOR LICENSE ISSUED UNDER ARIZONA LAW, SHALL BE LIMITED TO 8 A.M. TO 1 A.M. MONDAYS THROUGH SATURDAYS; AND 12 NOON TO 1 A.M. ON SUNDAYS, OR SUCH OTHER HOURS AS LIMITED BY ARIZONA LAW.

SEC. 16-277. OPERATING REQUIREMENTS — ADULT VIDEO FACILITIES.

(A) IN ADDITION TO THE RULES ON THE SIGN REQUIRED OF ALL SEXUALLY ORIENTED BUSINESSES, THE SIGN FOR AN ADULT VIDEO FACILITY SHALL INCLUDE THE FOLLOWING RULES:

- (1) ONLY ONE (1) PATRON IS ALLOWED IN A VIEWING ROOM AT A TIME.
- (2) OPENINGS BETWEEN VIEWING ROOMS ARE PROHIBITED.

(B) EACH VIEWING BOOTH SHALL BE LIGHTED WITH AT LEAST ONE (1) ARTIFICIAL LIGHT OF NOT LESS THAN FORTY (40) WATTS, WHICH IS NOT SHADED TO SIGNIFICANTLY DECREASE LUMINOSITY. LIGHT IN THE PREMISES OUTSIDE THE VIEWING BOOTH SHALL BE AT LEAST AS BRIGHT AS THE LIGHT INSIDE THE VIEWING BOOTH.

(C) THE ON-SITE MANAGER'S STATION SHALL HAVE AN UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW OF THE ENTIRE PREMISES, INCLUDING EACH VIEWING ROOM'S INTERIOR, BUT NOT INCLUDING THE RESTROOMS. THE UNOBSTRUCTED, DIRECT LINE OF SIGHT VIEW SHALL NOT BE OBSTRUCTED BY ANY DOORS, CURTAINS, WALLS, MERCHANDISE, DISPLAY RACKS OR OTHER MATERIALS WHENEVER A PATRON IS ON THE PREMISES.

(D) OPENINGS BETWEEN THE VIEWING ROOMS ARE PROHIBITED.

SEC. 16-278. SCIENTER REQUIRED.

THIS ARTICLE DOES NOT IMPOSE STRICT LIABILITY. UNLESS A CULPABLE MENTAL STATE IS SPECIFIED, A SHOWING OF KNOWING OR RECKLESS MENTAL STATE IS REQUIRED TO ESTABLISH A VIOLATION OF THIS ARTICLE. A PERSON SHALL NOT BE RESPONSIBLE FOR THE CONDUCT OF ANOTHER IF THE PERSON TO WHOM THE LIABILITY IS IMPUTED IS POWERLESS TO PREVENT THE ACT.

SEC. 16-279. INSPECTIONS.

(A) THE ON-SITE MANAGER SHALL PERMIT LAW ENFORCEMENT OFFICERS TO INSPECT THE PORTIONS OF THE SEXUALLY ORIENTED BUSINESS PREMISES WHERE ANY PATRON IS PERMITTED AND THE LOGS REQUIRED BY THIS ARTICLE, UPON REQUEST DURING ITS REGULAR BUSINESS HOURS.

(B) THE ON-SITE MANAGER SHALL PRODUCE THE PERMITS AND IDENTIFICATION CARDS OF ALL SEXUALLY ORIENTED BUSINESS EMPLOYEES ON THE PREMISES FOR LAW ENFORCEMENT OFFICERS UPON REQUEST DURING ITS REGULAR BUSINESS HOURS.

(C) THE CITY SHALL NARROWLY CONSTRUE THIS SECTION TO AUTHORIZE REASONABLE INSPECTIONS, AND NOT TO AUTHORIZE AN EXCESSIVE PATTERN OF INSPECTIONS.

OFFICE OF THE  
CITY CLERK

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[illegible]

Madam Mayor, Council members, and the public,

George Knowlton, Scottsdale.

I submit a petition tonight from just a few of the concerned citizens who have been burning up the Scottsdale Activist email.

When you all agreed to the appointment of City Attorney Robberson as requested by the mayor, your agreement was in actuality a full scale attack upon the Constitution of the City of Scottsdale for the following reasons:

1. Any legal opinion tendered to facilitate this action was done behind closed doors during an executive session, so by law, the public doesn't have access to that legal opinion except through only one option mentioned later.
2. You totally changed the intent of the City Charter and set a new legal precedent.
3. The Mayor and acting City attorney knew full well that an outside attorney would refuse the in house opinion based upon legal precedent and intent practiced over many decades.

What you have done is to effectively eliminate the residency requirements of the City Charter. Being that Article 4, Section One, paragraph #3 is the ONLY place in the document to specify the residence of city "officers" of which the city attorney tops the list in the City Organizational Chart and has historically been the case; you have allowed the following to be possible:

An attorney from any city or state could apply for the job and be hired because there are ZERO residential requirements thanks to your vote.

Article 4, Section 1 only refers to officers and employees of which the City Attorney is one by reference. The City Attorney does not have tenure; he serves, as does the City Clerk, City Manager, City Treasurer, at the pleasure of the City Council. The term "city officer" wasn't used because they didn't want this position to be just a peer position; they wanted the City Attorney to be the chief legal advisor of ALL offices departments, agencies, officers and employees. Being that he serves at the pleasure of the Council, and that precedent having been set for decades, there is a very strong legal position saying that he, in fact, is a city "officer". That is what was intended and that is the way that the City Council interpreted the City Charter for decades.

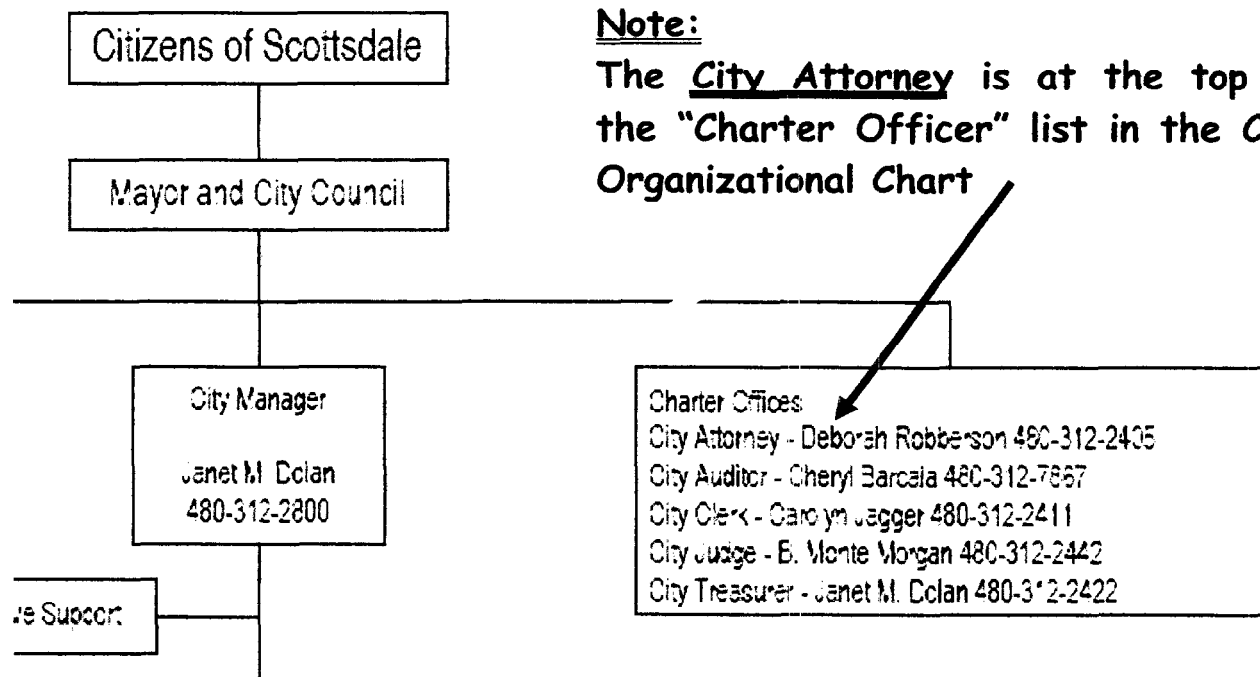
In addition to the requests made in the formal Citizen Petition, we also make a crucial and formal request which should end this controversy.

1. The City Council should vote immediately to publicly release that specific legal opinion allowing for the changing of the residency requirements of the City Attorney,
2. The City Council should immediately rescind the vote to appoint the current city attorney and all language thereto until the City Charter can be clarified to include the intent and historical precedent of Charter Officers and residency thereof.

Ask yourselves this simple question Ladies, gentlemen and most importantly members of the public: Unless the mayor's intent was to undermine the City Charter and the historical process to keep one of her

avored confidants in a favorable legal position, why else would the Mayor ask for an opinion on residency concerning the City Attorney from an inside source when outside legal opinions are a regular occurrence and a legal precedent for residency has been in place for decades?

Thank you..



## Scottsdale City Charter

### Article 4: Administrative Departments and Offices

#### Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. Officers of the city shall become residents of the city within six (6) months after the start of their employment. The city council may by ordinance provide residency requirements for all other city employees.

# Citizen Petition to the Scottsdale City Council

Pursuant to Article 2, Section 16 of the Scottsdale City Charter,

We, the undersigned residents of the City of Scottsdale, petition the City Council to comply with their oath of office and the City of Scottsdale Code of Ethics obligating them to comply with the Laws of the State of Arizona, the ordinances of the City of Scottsdale and the Scottsdale City Charter by determining whether the Charter Officers of the City are in full compliance with the residency requirements of Article 4, Section 1 of the City Charter; and, if a determination is made that a Charter Officer is not in full compliance, to immediately vacate that office and appoint a qualified and qualifying replacement. We further request that the City immediately make public any legal opinion, case law and/or opinion of the Attorney General as a basis to waive or modify said residential requirements for the City Attorney and, in such case, use the procedures set forth in the Code of Ethics, providing for the use of a three (3) person impartial panel, to rule on the matter.

Name (print)	Signature	Address
Helen L. Mayhew	Helen L. Mayhew	7231 E. Latham St 85257
Robert W. Mayhew	Robert W. Mayhew	7231 E. Latham St 85257
Mary C. Henkenius	Mary C. Henkenius	7218 E. Latham St. Scottsdale 85257
CATHERINE SELVIDGE	Catherine Selvidge	7207 E. Latham St, Scottsdale 85257
Betty Garrett	Betty Garrett	7243 E. Portland Scottsdale 85257
ANGELINE SPADAFORÉ	Angeline Spadafore	7230 E. Latham Scottsdale, AZ, 85257
JAMES A. SPADAFORÉ	James A. Spadafore	1008. N. 72 <sup>nd</sup> Pl. Scottsdale, AZ 85257
Elizabeth M. Barcala	Elizabeth M. Barcala	8635 E. Bellvue 1073 Scotts AZ 85257
Chloe Brasfield	Chloe Brasfield	8350 E. McKellie #93 Scottsdale, AZ
ROSEANNE BOWFENSE	Roseanne Bowfense	7725 E. Pinal St 85251
Donald J. Dineen	Donald J. Dineen	2200 E. McKellie Rd. 85257
Ruth McKeenan	Ruth McKeenan	7531 E. LATHAM Scott 85257
Ellen Oropeza	Ellen Oropeza	8501 E. Shereden, Scott 85257
LAURIE RHINEHART	Laurie Rhinehart	815 N. Hayden Rd Scott 85257
Steve Pennick	Steve Pennick	



## **Article 4: Administrative Departments and Offices**

### **Sec. 1. Administrative departments and offices.**

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. Officers of the city shall become residents of the city within six (6) months after the start of their employment. The city council may by ordinance provide residency requirements for all other city employees.

### **Sec. 2. City clerk.**

The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.

### **Sec. 3. City treasurer.**

The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council.

The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.

### **Sec. 4. City attorney.**

The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council.

### **Sec. 5. Civil service system to be established.**

The city council shall create a civil service board within one (1) year after the adoption of this charter by the voters. The board shall consist of three qualified electors of the city to be appointed by the city council.

The term of the appointment of members shall be for six (6) years, except that of the members first appointed, one shall be appointed for a term of two (2) years, one for a term of four (4) years and one for a term of six (6) years.

Any vacancies during the unexpired term of an appointive member shall be filled by the council for the remainder of the term.

The civil service board shall prescribe, amend, and enforce rules for the employees of the city, except those elected by the people and also excluding all officers and department heads. These rules shall have the effect of law after they have been approved by the city council.

# Citizen Petition to the Scottsdale City Council

Pursuant to Article 2, Section 16 of the Scottsdale City Charter,

OFFICE OF THE  
CITY CLERK

We, the undersigned residents of the City of Scottsdale, petition the City Council to comply with their oath of office and the City of Scottsdale Code of Ethics obligating them to comply with the Laws of the State of Arizona, the ordinances of the City of Scottsdale and the Scottsdale City Charter by determining whether the Charter Officers of the City are in full compliance with the residency requirements of Article 4, Section 1 of the City Charter; and, if a determination is made that a Charter Officer is not in full compliance, to immediately vacate that office and appoint a qualified and qualifying replacement. We further request that the City immediately make public any legal opinion, case law and/or opinion of the Attorney General as a basis to waive or modify said residential requirements for the City Attorney and, in such case, use the procedures set forth in the Code of Ethics, providing for the use of a three (3) person impartial panel, to rule on the matter.

Name (print)	Signature	Address
JUDITH ROONEY	Judith Rooney	6508 E. PALM LA, SCOTTSDALE, AZ 85257
Cathy Saraniero	Cathy Saraniero	6508 E. Palm La., Scottsdale, AZ 85257
MILDRED STAFFORD	Mildred Stafford	6502 E. Palm Ln. Scottsdale AZ 85257
GEORGE STAFFORD	George Stafford	6502 - E. Palm Ln. Scottsdale AZ 85257
LYLE W. WURTZ	Lyle W. Wurtz	6510 E. palm Ln Scottsdale AZ 85257
Virginia F. Wurtz	Virginia F. Wurtz	6510 E. Palm Ln. Scottsdale AZ 85257
Danielle L. Petersen	Danielle L. Petersen	7327 E. Alhambra Dr. Scottsdale, AZ 85257
Geonore C Karawulski	Geonore C Karawulski	8701 E. Valley View Rd Scottsdale 85250
Bonnie E. Karawulski	Bonnie E. Karawulski	8701 E Valley View Rd. Scottsdale, AZ 85250
Robert W. Markew	Robert W. Markew	7281 E. bathurst 85257
David J. Karawulski	David J. Karawulski	5205 N. 78th Ave Scottsdale AZ 85250
Paul F. Beach	Paul F. Beach	7631 E. Buena Vista Terr Scottsdale AZ 85250
Patricia G. Badenoch	Patricia G. Badenoch	5027 N. 71 Pl SE 85253

## **Article 4: Administrative Departments and Offices**

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